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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

**AMANDA LEE, individually, on behalf of
all others similarly situated, and as
representative of the California Labor &
Workforce Development Agency,**

Plaintiff,

vs.

**VERNON HEALTHCARE CENTER,
LLC; and DOES #1 through #50, inclusive,**

Defendants.

Case No. 2:22-cv-02437-JLS-JPR

FLSA Collective Action

Fed. R. Civ. P. 23 Class Action

**Stipulation of Dismissal Without
Prejudice**

RECITALS

Plaintiff Amanda Lee filed this action on April 11, 2022.

Defendant Vernon Healthcare Center, LLC (“Vernon”) contends that Lee signed an arbitration agreement with a class action waiver requiring arbitration of her individual claims in this matter, with the exception of her PAGA claim asserted as the sixth cause of action in

her First Amended Complaint, and dismissal of the class action claims pursuant to the terms of the arbitration agreement. [ECF No. 14].

Lee desires to pursue her individual claims against Vernon in arbitration and to dismiss her class claims.

STIPULATION

1. The Parties stipulate to the dismissal of Lee’s complaint pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), jointly stipulate to the dismissal of her first through fifth causes of action, without prejudice, in order for Lee to pursue her individual wage-and-hour claims against Vernon in arbitration.

2. For the purposes of pursuing arbitration, the Parties agree that the statute of limitations for the first through fifth causes of action for her individual claims are tolled as of the date of Lee’s Original Complaint, April 11, 2022 [ECF No. 1].

3. The Parties acknowledge that, without Lee’s first cause of action for violations of the FLSA, this Court lacks supplemental subject matter jurisdiction over the remaining sixth cause of action under PAGA.

4. The Parties therefore agree that the sixth cause of action under PAGA should be dismissed for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1367(c)(3).

5. Because of the dismissal of the PAGA claim pursuant to 28 U.S.C. § 1367(c)(3), the Parties stipulate that the statute of limitations provisions of 28 U.S.C. § 1367(d) apply as to the PAGA claim.

Date: March 28, 2024

Respectfully submitted,

/s/ Matthew S. Parmet

By: _____

Matthew S. Parmet

PARMET PC

1 **Angeli Murthy**
2 **MORGAN & MORGAN, P.A.**

3 **Attorneys for Plaintiff**

4 */s/ Grace Y. Horoupian*
5 By: _____
6 **Grace Y. Horoupian**
7 **Joshua D. Klein**
8 **FISHER & PHILLIPS LLP**

9 **Attorneys for Defendants**

10 **ATTESTATION REGARDING SIGNATURES**

11 The signatures of all listed signatories to this document and on whose behalf this filing
12 is submitted, concur in the filing's content and have authorized the filing.

13 */s/ Matthew S. Parmet*

14 _____
15 Matthew S. Parmet